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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,875	05/08/2000	DONALD ARTHUR REYNOLDS	65008-018	4421

27305 7590 08/05/2003

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EXAMINER

SHIPSIDES, GEOFFREY P

ART UNIT	PAPER NUMBER
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1732

19

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

mk-39

# Office Action Summary

Application No.

09/486,875

Applicant(s)

REYNOLDS, DONALD ARTHUR

Examiner

Geoffrey P. Shippides

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,9,11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. In response to the Appeal Brief filed 5-27-03, the final rejection has been withdrawn and the following new rejection is presented below.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,069,849 (Wain).

Wain teaches a method of forming a joint between two plastics extrusions having front and rear surfaces with solid material between said surfaces (figures); wherein the process comprises mitring the extrusions (Abstract, lines 4-5); removing a solid part of the rear face of each extrusion behind said front surface (Figure 4, Column 2, lines 4-19; Column 6, lines 9-15); placing the mitred extrusions in a mold and injecting a resin material to restore the solid shape and bond the extrusion to one another across the mitred joint beneath the front surfaces and produce the desired joint configuration (Abstract, lines 5-11). Wain teaches the cutting/removing of the web portion and one of the flange portions of each linear member and a further option to remove the other flange (Column 2, lines 4-19). It is clear from the teachings of Wain that the web portion and the first cut flange portion are 64c and 64b respectively (Figure 2; Column 6, lines 9-15) and that the other optionally cut flange is 64d (Figure 2; Column 6, lines 9-15), so

Art Unit: 1732

although Wain does not depict a figure where the front surface of the completed joint is entirely defined by the front surfaces of the mitred extrusions, it is clear that Wain anticipated the option where only 64c and 64b are removed (cut) which would inherently yield a joint where the front surface of the completed joint is entirely defined by the front surfaces of the mitred extrusions.

4. Claims 9, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,069,849 (Wain).

With regard to claim 9, Wain teaches a method of forming a joint between two plastics extrusions having front and rear surfaces with solid material between said surfaces (figures); wherein the process comprises mitring the extrusions (Abstract, lines 4-5) so that they have a desired angle between the mitred extrusions (Column 6, line 11); removing a solid part of the rear face of each extrusion behind said front surface (Figure 4, Column 2, lines 4-19; Column 6, lines 9-15); placing the mitred extrusions in a mold and injecting a resin material to restore the solid shape and bond the extrusion to one another across the mitred joint and produce the desired join configuration (Abstract, lines 5-11). Wain teaches the cutting/removing of the web portion and one of the flange portions of each linear member and a further option to remove the other flange (Column 2, lines 4-19). It is clear from the teachings of Wain that the web portion and the first cut flange portion are 64c and 64b respectively (Figure 2; Column 6, lines 9-15) and that the other optionally cut flange is 64d (Figure 2; Column 6, lines 9-15), so although Wain does not depict a figure where the integrity of the front surfaces of the mitred ends is maintained, it is clear that Wain anticipated the option where only 64c and 64b are

Art Unit: 1732

removed (cut) which would inherently maintain the integrity of the front surfaces at the mitred ends. It is further inherent in the process of Wain that the removed solid part of the rear face of each extrusion is removed along a line as the step of removing would require the creation of a newly exposed surface and it would also be inherent in the process of Wain that the injected material to replace this removed material would be injected against this surface (hence along this line).

With regard to claim 11, the rear flange portion 64b of the extrusion as taught by Wain constitutes a sealing structure and it is the purpose of Wain to continue the rear portion of the extrusions around the corner of the join in order to have a continuous sealing structure around the joint.

With regard to claim 12, the rear portion of the extrusion as taught by Wain includes a foot portion (Figure 2, ref. No. 64b).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 9, 11, and 12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey P. Shipsides whose telephone number is 703-306-0311. The examiner can normally be reached on Monday - Friday 9 AM till 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703-305-5493. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

Art Unit: 1732

872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to read "Michael Colaianni", with a stylized flourish at the end.

Geoffrey P. Shipsides/gps  
August 1, 2003

**MICHAEL COLAIANNI  
PRIMARY EXAMINER**